

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
XL SPECIALTY INSURANCE COMPANY,

Plaintiff,

-against-

TIMOTHY DAILEADER,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/2/2022

22 Civ. 4045 (AT)

ORDER

The Court has reviewed the parties' briefing concerning the Order to Show Cause issued on August 17, 2022. ECF Nos. 17–21, 31–34; *see also* ECF No. 25 (Order to Show Cause). The Court shall order supplemental briefing on the following issues: (1) whether insurers have a duty to advance costs while the applicability of a policy is being litigated; (2) whether the policy at issue in this action provides that the insurer or the insured is to cover costs while the applicability of said policy is in dispute; and (3) whether an individual must prove that he or she is financially unable to pay for defense costs to show irreparable harm.

Accordingly:

1. The show cause hearing scheduled for September 7, 2022, at 2:00 p.m., ECF No. 25, is ADJOURNED *sine die*.
2. By **September 9, 2022**, the parties shall file letters of no more than five pages stating their positions on the issues outlined above.

Further, the parties shall file a joint letter informing the Court on the status of mediation efforts by **September 23, 2022**. The parties shall also advise the Court whether they wish to be referred to the Southern District of New York's Mediation Program.

SO ORDERED.

Dated: September 2, 2022
New York, New York



ANALISA TORRES
United States District Judge